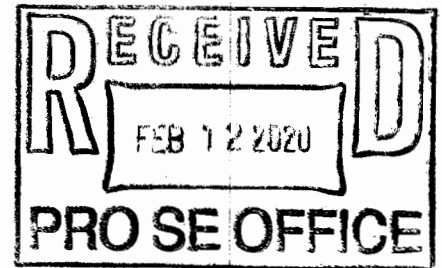


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
NEW YORK

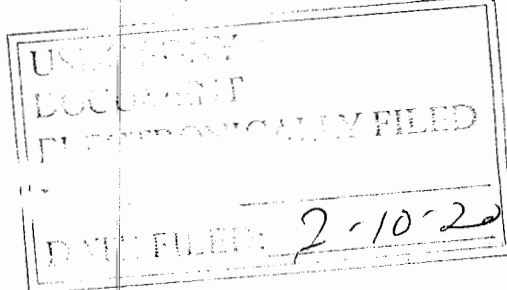


DASHAWN HAWKINS,
Movant,

v.

UNITED STATES OF AMERICA,
Respondent.

Case No.: 19civ-867(GHW)(SLG)



TO SUPPLEMENT THE MOVANT'S TITLE 28
U.S.C. SECTION 2255 MOTION IN ACCORDANCE
WITH CIVIL PROCEDURE RULE 15(a)(c)(2)(B).

COMES NOW, Movant, Dashawn Hawkis, and files this Request to Supplement the Movant's Title 28 U.S.C. Section 2255 Motion. Movant is a layman of the law, is unskilled in the law, and asks that the court construe this request liberally. Haines v. Kerner, 404 U.S. 519 (1972).

Movant states the following reasons for this supplement:

1. According to Flore-Roe v. Ortega, 528 U.S. 470-480 (2000) and Garza v. Idaho, 139 S.Ct. 738 (2019), Movant requested counsel to pursue a Notice of Appeal on the day he was sentenced. Counsel refused to do so, stating that Movant had waived all of his rights. Movant still directed counsel to file a Notice of Appeal and Direct Appeal because the Movant did not know how to file one on his own because he is a layman of the law. Counsel was obligated

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was mailed, pre-paid, by the United States Postal Service to the Clerk of Court. Upon receipt, the Clerk will service all interested parties via the CM/ECF system to include the following:

Clerk of Court
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 120
New York NY 10007-1312

A.U.S.A.
One St. Andrew's Plaza
New York, NY 10007

DATED: 1/2/2020


Dashawn Hawkis

Mail Box Rule
Lack v. Houston, 487 U.S. 266 (1988)

Mailed on this day January 2, 2020

Dashawn Hawkins #78241-054
C-3, Federal Correctional Complex-Medium
P.O. BOX 1032
Coleman, FL 33521

LEGAL MAIL

Clerk of Court
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 120
New York, NY 10007-1312

Pro Se Intake

10007-1312

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SAINT PETERSBURG FL

07 FEB 2008 14:21

FOREVER

to pursue a Notice of Appeal and Direct Appeal upon Movant's request to do so.

2. Counsel violated Movant's Fifth Amendment Right to due process to a Notice of Appeal and Direct Appeal upon Movant's request to do so. Counsel had a Fifth and Sixth Amendment duty to pursue this matter for the Movant upon the Movant's request to file.

3. Because counsel never filed the Notice of Appeal or Direct Appeal, Movant was prejudiced. Because of this prejudice, Movant is serving a 252 month sentence. Strickland v. Washington, 466 U.S. 668-687 (1984); Cuyler v. Sullivan, 446 U.S. at 350 (1980); Class v. United States, 139 S.Ct. 798 (2019); Florida v. Nixon, 543 U.S. 175 (2004); Cronic v. United States, 466 U.S. 648 (1984); Flore-Roe v. Ortega, 528 U.S. 470-480 (2000); and Garza v. Idaho, 139 S.Ct. 798 (2019).

CONCLUSION

Movant requests all of his Appeal Rights based on Garza v. Idaho and Flore-Roe v. Ortega, supra.

DATED: 1/2/2020
28 U.S.C. § 1746

Petitioner's Letter-Motion to supplement his petition (ECF No. 27) is GRANTED. Petitioner's reply to the Government's opposition, due by **Thursday, March 5, 2020**, must include all information he wishes to include as a supplement. The Clerk of Court is respectfully directed to close ECF No. 27.

SO-ORDERED 2/14/2020

Respectfully Submitted,

Dashawn Hawkis

Dashawn Hawkis Reg. # 78241-054
C-3 FCC Coleman Medium
P.O. Box 1032
Coleman, FL 33521-1032

Sarah L. Cave
SARAH L. CAVE
United States Magistrate Judge